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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,689	12/09/1999	MICHAEL S. PASIEKA	PHA23871	6774

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/456,689

Applicant(s)

PASIEKA, MICHAEL S.

Examiner

Pramila Parthasarathy

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. In view of the Appeal Brief filed on 4/26/2005, PROSECUTION IS HEREBY REOPENED. Applicant's arguments with respect to claims 1 – 20 have been considered but are moot in view of the new ground(s) of rejection as set forth below.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1 – 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1 states “maintaining ... a contact list ...utilizing the contact list in conjunction with a revocation list ...”. These limitations are considered non-statutory subject matter because they consist on software process steps without any application to a hardware device. Dependent claims 2 – 15 are rejected based on their dependency from Claim 1.

To expedite a complete examination of the application, the claims rejected under 35 U.S.C. 101 (non-statutory) above are further rejected (or objected) as set forth below

in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 7 recites the limitation "the modified local revocation list" in line 6 and 7. There is insufficient antecedent basis for this limitation in the claim. Claim 7 depends directly or indirectly on Claim 1, which recites a revocation list, Claim 6 further recites that the revocation list is modified. A Modified local revocation list is not recited in either of the Claims.

Examiner interprets "the modified local revocation list" as "the modified revocation list", for examination purposes.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Gruse et al. (US Patent 6,389,538).

**Regarding Claim 1, Gruse teaches and describes**

maintaining, for a given entity controlling access to the information, a contact list comprising information identifying one or more other entities which have attempted to communicate with the given entity (Column 45 lines 17 – 56); and

utilizing the contact list in conjunction with a revocation list associated with the given entity to determine which of at least a subset of the one or more other entities are authorized to communicate with the given entity (Column 45 lines 17 – 56). Applicant's Admitted Prior Art (AAPA) discloses an access control system that receives an identifier from the intended receiving device, compares this identifier to the revocation list and managing the revocation list using a variety of techniques (Page 2 line 14 – Page 3 line 7).

**Regarding Claim 16, Gruse teaches and describes**

a processor-based device for controlling access to information, wherein the processor-based device is operative to maintain a contact list comprising information

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identifying one or more other entities which have attempted to communicate with the processor-based device (Column 45 lines 17 – 56), and

to utilize the contact list in conjunction with a revocation list associated with the given entity to determine which of at least a subset of the one or more other entities are authorized to communicate with the processor-based device (Column 45 lines 17 – 56). Applicant's Admitted Prior Art (AAPA) discloses an access control system that receives an identifier from the intended receiving device, compares this identifier to the revocation list and managing the revocation list using a variety of techniques (Page 2 line 14 – Page 3 line 7).

**Regarding Claim 17, Gruse teaches and describes**

maintaining, for a given entity a controlling access to information, a contact list comprising information identifying one or more other entities which have attempted to communicate with the given entity (Column 45 lines 17 – 56); and

utilizing the contact list in conjunction with a revocation list associated with the given entity to determine which of at least a subset of the one or more other entities are authorized to communicate with the given entity (Column 45 lines 17 – 56). Applicant's Admitted Prior Art (AAPA) discloses an access control system that receives an identifier from the intended receiving device, compares this identifier to the revocation list and managing the revocation list using a variety of techniques (Page 2 line 14 – Page 3 line 7).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Gruse teaches and describes the given entity and at least a subset of the one or more other entities each comprise a consumer electronics device (Column 45 lines 17 – 56).

Claim 3 is rejected as applied above in rejecting claim 1. Furthermore, Gruse teaches and describes the maintaining and utilizing steps are implemented in an access control system associated with the given entity (Column 45 lines 17 – 56).

Claim 5 is rejected as applied above in rejecting claim 1. Furthermore, Gruse teaches and describes the contact list comprises a local revocation list stored in the access control system (Column 45 lines 17 – 56).

Claim 13 is rejected as applied above in rejecting claim 1. Furthermore, Gruse teaches and describes periodically generating a digital signature for at least a portion of the contact list (Column 16 line 42 – Column 17 line 38 and Column 45 lines 17 – 56).

Claim 15 is rejected as applied above in rejecting claim 1. Furthermore, Gruse teaches and describes each of at least a subset of the other entities stores a contact list having entries corresponding to entities which have attempted to communicate with those other entities (Column 45 lines 17 – 56).

Claim 18 is rejected as applied above in rejecting claim 16. Furthermore, Gruse teaches and describes the contact list comprises a plurality of entities each entry including at least an identifier of a particular one of the other entities and a corresponding revocation flag indicating whether authorization of the particular entity has been revoked (Column 45 lines 17 – 56 and Column 78 lines 41 – 65).

Claim 19 is rejected as applied above in rejecting claim 17. Furthermore, Gruse teaches and describes the contact list comprises a plurality of entries, each entry including at least an identifier of a particular one of the other entities and a corresponding revocation flag indicating whether authorization of the particular entity has been revoked (Column 45 lines 17 – 56 and Column 78 lines 41 – 65).

Claim 4 is rejected as applied above in rejecting claim 3. Furthermore, Gruse teaches and describes the revocation list comprises a local revocation list stored in the access control system (Column 45 lines 17 – 56).

Claim 6 is rejected as applied above in rejecting claim 5. Furthermore, Gruse teaches and describes updating the contact list after a modification of the revocation list (Column 45 lines 17 – 56).



Claim 8 is rejected as applied above in rejecting claim 5. Furthermore, Gruse teaches and describes updating the contact list if a new entity not already included in the contact list attempts to communicate with the given entity (Column 45 lines 17 – 56).

Claim 12 is rejected as applied above in rejecting claim 5. Furthermore, Gruse teaches and describes the contact list is configured such that the revocation flag of a particular entry may not be cleared once that flag has been set as long as that entry remains in the contact list (Column 45 lines 17 – 56 and Column 78 lines 41 – 65).

Claim 20 is rejected as applied above in rejecting claim 19. Furthermore, Gruse teaches and describes the programs when executed implement the further step of updating the contact list after a modification of the revocation list (Column 45 lines 17 – 56).

Claim 14 is rejected as applied above in rejecting claim 13. Furthermore, Gruse teaches and describes updating the digital signature each time the contact list is updated (Column 16 line 42 – Column 17 line 38 and Column 45 lines 17 – 56).

Claim 7 is rejected as applied above in rejecting claim 6. Furthermore, Gruse teaches and describes updating the contact list after a modification of the revocation list further includes the steps of:

identifying all of the entities in the contact list that do not have their corresponding revocation flag set (Column 45 lines 17 – 56); and

determining, for each of the entities identified as being on the contact list but not having a set revocation flag, whether that entity is on the modified local revocation list, setting its revocation flag in the contact list (Column 45 lines 17 – 56).

Claim 9 is rejected as applied above in rejecting claim 8. Furthermore, Gruse teaches and describes updating the contact list if a new entity not already included in the contact list if a new entity not already included in the contact list attempts to communicate with the given entity further includes the steps of:

storing in the contact list an entity identifier for the new entity if there is sufficient space available in the contact list (Column 45 lines 17 – 56 and Column 78 lines 41 – 65); and

determining if the new entity is on the revocation list; and if it is, setting the corresponding revocation flag the new entity in the contact list (Column 45 lines 17 – 56 and Column 78 lines 41 – 65).

Claim 10 is rejected as applied above in rejecting claim 9. Furthermore, Gruse teaches and describes selecting a particular entry of the contact list for removal from the contact list if there is not sufficient space available in the contact list for the new entity (Column 45 lines 17 – 56 and Column 78 lines 41 – 65).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gruse et al. (US Patent 6,389,538) in view of De Jesus et al. (U.S. Patent 5,832,206 hereinafter "De Jesus").

Claim 11 is rejected as applied above in rejecting claim 10. Furthermore, Gruse teaches and describes a method for controlling access to information, Gruse does not explicitly describe the selecting step is implemented using a random or pseudo-random selection process. However, De Jesus discloses a method to provide security for a keypad processor of a transaction terminal wherein the selecting step is implemented using a random selection process (De Jesus Column 8 lines 44 – 56 and Column 10 lines 47 – 56). The motivation would be to provide a normalized deletion rather than criteria based thereby minimizing computation time.

AAPA discloses an access control system that receives an identifier from the intended receiving device, compares this identifier to the revocation list and managing the revocation list using a variety of techniques (Page 2 line 14 – Page 3 line 7).

Motivation to combine the invention of De Jesus with Gruse comes from the need for providing a access control system to implement a random selection process to provide a normalized deletion rather than criteria based thereby minimizing computation time. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gruse and De Jesus, a method for controlling access to information including the step of selecting a particular entry of the contact list for removal as taught by Gruse and the selecting step to be implemented using a random selection process as taught by De Jesus to insure that an electronic eavesdropper will be unable to differentiate the actual selection algorithm.

### ***Conclusion***

6. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. If applicants are aware of any better prior art than those are cited, they are required to bring the prior art to the attention of the examiner.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy  
July 08, 2005.

  
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